

1 _____
(NAME)

2 _____
(ADDRESS)

3 _____
(CITY, STATE, ZIP)

4 _____
(TELEPHONE)

5 [] Plaintiff [] Defendant, *Pro Se*

6
7 **JUSTICE COURT,**

8 **CLARK COUNTY, NEVADA**

9)
10) Case No.:
11) Dept. No.:
12)
13) Hearing Date:
14) Hearing Time:
15)
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27)
28)

Plaintiff,

vs.

Defendant.

OPPOSITION TO MOTION FOR SUMMARY JUDGMENT

Pursuant to JCRCP 56, [] Plaintiff [] Defendant, _____ ,
appearing *pro se*, submits this opposition to the pending Motion for Summary Judgment, on file
herein, to demonstrate to the Court that there is a genuine issue of material fact in this case that
precludes the entry of a judgment as a matter of law.

This opposition is based upon and supported by the following Memorandum of Points
and Authorities, the pleadings and papers on file, the affidavits and exhibits attached hereto, and
any argument that the Court may allow at the time of hearing.

DATED this ____ day of _____, 20__.

Pursuant to NRS 53.045, I declare under penalty of
perjury that the foregoing is true and correct.

[] Plaintiff [] Defendant, *Pro Se*

///

///

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. STATEMENT OF FACTS**

3 In response to the facts set forth in the moving party's Motion for Summary Judgment,
4 [] Plaintiff [] Defendant provides the following statement of facts:

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21 **II. STANDARD FOR SUMMARY JUDGMENT**

22 JCRCP 56(c) states in relevant part that "[t]he judgment sought shall be rendered
23 forthwith if the pleadings, depositions, answers to interrogatories, and admissions on file,
24 together with the affidavits, if any, show that there is no genuine issue as to any material fact and
25 that the moving party is entitled to a judgment as a matter of law." The party moving for
26 summary judgment bears the initial burden or production to show the absence of a genuine issue
27 of material fact. *Cuzze v. University & Comm. College System of Nevada*, 172 P.3d 131 (Nev.
28 2007).

1 When a summary judgment motion is made, all of the opposing party's statements must
2 be accepted as true, all reasonable inferences that can be drawn from the evidence must be
3 admitted, and the trial court cannot decide issues of credibility based upon the evidence
4 submitted in the motion. *Pegasus v. Reno Newspapers, Inc.*, 118 Nev. 706, 713, 57 P.3d 82, 87
5 (Nev. 2002). In deciding whether summary judgment is appropriate, the evidence must be
6 viewed in the light most favorable to the party against whom summary judgment is sought, and
7 the factual allegations, evidence, and all reasonable inferences in favor of the nonmoving party
8 must be presumed correct. *See NGA #2 Ltd. Liability Co. v. Rains*, 113 Nev. 1151, 1157, 946
9 P.2d 163, 167 (Nev. 1997).

10 **III. ARGUMENT**

11 In the present case, there is a genuine issue of material fact, specifically:

1 **CONCLUSION**

2 For the reasons stated above, the Court should deny the pending Motion for Summary
3 Judgment.

4 DATED this _____ day of _____, 20____.

5 Pursuant to NRS 53.045, I declare under penalty of
6 perjury that the foregoing is true and correct.

7 _____
8 [] Plaintiff [] Defendant, *Pro Se*

9
10 **CERTIFICATE OF MAILING**

11 I HEREBY CERTIFY that on the _____ day of _____, 20____, I
12 placed a true and correct copy of the foregoing **OPPOSITION TO MOTION FOR**
13 **SUMMARY JUDGMENT** in the United States Mail at Las Vegas, Nevada, with first-class
14 postage prepaid, addressed to the following:

15 _____
16 _____
17 _____
18 _____

19 Pursuant to NRS 53.045, I declare under penalty of
20 perjury that the foregoing is true and correct.

21 _____
22 [] Plaintiff [] Defendant, *Pro Se*

STATE OF NEVADA)
COUNTY OF CLARK) ss.

1. Declarant submits this Declaration in support of the Opposition to Motion for Summary Judgment filed in this case by [] Plaintiff [] Defendant. Declarant is competent to be a witness to the matters stated in this Declaration and could and would testify to those matters in a court of law, under oath, subject to the penalty of perjury.

3. Based upon Declarant's personal knowledge, Declarant states that _____

Executed on _____ (Date) By _____ (Signature of Declarant)